

**(b) Laws of United States**

This chapter shall not change the laws of the United States relating to shipwrecks, other than those to which this chapter applies.

**(c) Effective date**

This chapter shall not affect any legal proceeding brought prior to April 28, 1988.

(Pub. L. 100-298, §7, Apr. 28, 1988, 102 Stat. 434.)

**CHAPTER 40—RECLAMATION STATES  
EMERGENCY DROUGHT RELIEF**

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**§ 2201. Definitions**

As used in this chapter:

(1) The term “Secretary” means the Secretary of the Interior.

(2) The term “Federal Reclamation laws” means the Act of June 17, 1902 (32 Stat. 388) and Acts supplementary thereto and amendatory thereof.

(3) The term “Federal Reclamation project” means any project constructed or funded under Federal Reclamation law. Such term includes projects having approved loans under the Small Reclamation Projects Act of 1956 (70 Stat. 1044) [43 U.S.C. 422a et seq.].

(Pub. L. 102-250, §2, Mar. 5, 1992, 106 Stat. 53.)

**REFERENCES IN TEXT**

Act of June 17, 1902, referred to in par. (2), is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The Small Reclamation Projects Act of 1956, referred to in par. (3), is act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§422a et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see section 422k of this title and Tables.

**SHORT TITLE**

Section 1 of Pub. L. 102-250 provided that: “This Act [enacting this chapter] may be cited as the ‘Reclamation States Emergency Drought Relief Act of 1991’.”

**SUBCHAPTER I—DROUGHT PROGRAM**

**§ 2211. Assistance during drought; water purchases**

**(a) Construction, management, and conservation**

Consistent with existing contractual arrangements and applicable State and applicable Federal law, and without further authorization, the Secretary is authorized to undertake construction, management, and conservation activities that will minimize, or can be expected to have an effect in minimizing, losses and damages resulting from drought conditions. Any construction activities undertaken pursuant to the authority of this subsection shall be limited to temporary facilities designed to minimize losses and damages from drought conditions, except that wells drilled to minimize losses and damages from drought conditions may be permanent facilities.

**(b) Assistance to willing buyers and sellers**

In order to minimize losses and damages resulting from drought conditions, the Secretary may provide nonfinancial assistance to willing buyers in their purchase of available water supplies from willing sellers.

**(c) Water purchases by Bureau**

In order to minimize losses and damages resulting from drought conditions, the Secretary may purchase water from willing sellers, including, but not limited to, water made available by Federal Reclamation project contractors through conservation or other means with respect to which the seller has reduced the consumption of water. Except with respect to water stored, conveyed or delivered to Federal and State wildlife habitat, the Secretary shall deliver such water pursuant to temporary contracts under section 2212 of this title: *Provided*, That any such contract shall require recovery of any costs, including interest if applicable, incurred by the Secretary in acquiring such water.

**(d) Water banks**

In order to respond to a drought, the Secretary is authorized to participate in water banks established by a State.

(Pub. L. 102-250, title I, §101, Mar. 5, 1992, 106 Stat. 53.)

**REFERENCES IN TEXT**

The Bureau, referred to in heading for subsec. (c), probably means the Bureau of Reclamation.

**TERMINATION OF AUTHORITIES**

For provisions directing that authorities established under this subchapter shall terminate ten years after Mar. 5, 1992, see section 2214(c) of this title.

**DESERT TERMINAL LAKES**

Pub. L. 107-206, title I, §103, Aug. 2, 2002, 116 Stat. 823, provided that: “Not later than 14 days after the date of enactment of this Act [Aug. 2, 2002], the Secretary of Agriculture shall carry out the transfer of funds under section 2507(a) of the Food Security and Rural Investment Act of 2002 (Public Law 107-171) [set out below].”

Pub. L. 107-171, title II, §2507, May 13, 2002, 116 Stat. 275, as amended by Pub. L. 110-234, title II, §2807, May 22, 2008, 122 Stat. 1090; Pub. L. 110-246, §4(a), title II, §2807, June 18, 2008, 122 Stat. 1664, 1818; Pub. L. 111-85, title II, §207, Oct. 28, 2009, 123 Stat. 2858, provided that:

“(a) TRANSFER.—Subject to subsection (b) and paragraph (1) of section 207(a) of Public Law 108-7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food, Conservation, and Energy Act of 2008 [June 18, 2008], the Secretary of Agriculture shall transfer \$175,000,000 of the funds of the Commodity Credit Corporation to the Bureau of Reclamation Water and Related Resources Account, which funds shall—

“(1) be used by the Secretary of the Interior, acting through the Commissioner of Reclamation, to provide water to at-risk natural desert terminal lakes; and

“(2) remain available until expended.

“(b) PERMITTED USES.—In any case in which there are willing sellers, the funds described in subsection (a) may be used—

“(1) to lease water;

“(2) to purchase land, water appurtenant to the land, and related interests in the Walker River Basin in accordance with section 208(a)(1)(A) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268); and

“(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.”

## § 2212. Availability of water on temporary basis

### (a) General authority

In order to mitigate losses and damages resulting from drought conditions, the Secretary may make available, by temporary contract, project and nonproject water, and may permit the use of facilities at Federal Reclamation projects for the storage or conveyance of project or nonproject water, for use both within and outside an authorized project service area.

### (b) Special provisions applicable to temporary water supplies provided under this section

#### (1) Temporary supplies

Each temporary contract for the supply of water entered into pursuant to this section shall terminate no later than two years from the date of execution or upon a determination by the Secretary that water supply conditions no longer warrant that such contracts remain in effect, whichever occurs first. The costs associated with any such contract shall be repaid within the term of the contract.

#### (2) Ownership and acreage limitations

Lands not subject to Reclamation law that receive temporary irrigation water supplies under temporary contracts under this section shall not become subject to the ownership and acreage limitations or pricing provisions of Federal Reclamation law because of the delivery of such temporary water supplies. Lands that are subject to the ownership and acreage limitations of Federal Reclamation law shall not be exempted from those limitations because of the delivery of such temporary water supplies.

#### (3) Treatment under Reclamation Reform Act of 1982

No temporary contract entered into by the Secretary under this section shall be treated as a “contract” as that term is used in sec-

tions 203(a) and 220 of the Reclamation Reform Act of 1982 (Public Law 97-293) [43 U.S.C. 390cc(a), 390tt].

### (4) Amendments of existing contracts

Any amendment to an existing contract to allow a contractor to carry out the provisions of this subchapter shall not be considered a new and supplemental benefit for purposes of the Reclamation Reform Act of 1982 (Public Law 97-293) [43 U.S.C. 390aa et seq.].

### (c) Contract price

The price for project water, other than water purchased pursuant to section 2211(c) of this title, delivered under a temporary contract entered into by the Secretary under this section shall be at least sufficient to recover all Federal operation and maintenance costs and administrative costs, and an appropriate share of capital costs, including interest on such capital costs allocated to municipal and industrial water, except that, for project water delivered to nonproject landholdings, the price shall include full cost (as defined in section 202(3) of the Reclamation Reform Act of 1982 (Public Law 97-293; 96 Stat. 1263; 43 U.S.C. 390bb) [43 U.S.C. 390bb(3)]). For all contracts entered into by the Secretary under the authority of this subchapter—

(1) the interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs expended pursuant to this chapter shall be at a rate to be determined by the Secretary of the Treasury based on average market yields on outstanding marketable obligations of the United States with remaining periods to maturity of one year occurring during the last month of the fiscal year preceding the date of execution of the temporary contract; or

(2) in the case of existing facilities the rate as authorized for that Federal Reclamation project; or

(3) in the absence of such authorized rate, the interest rate as determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction was initiated on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which were neither due nor callable for redemption for fifteen years from date of issue: *Provided*, That for all deliveries of water for municipal and industrial purposes from existing facilities to nonproject contractors, the rate shall be as set forth in paragraph (1) of this subsection.

### (d) Fish and wildlife

The Secretary may make water from Federal Reclamation projects and nonproject water available on a nonreimbursable basis for the purposes of protecting or restoring fish and wildlife resources, including mitigation losses, that occur as a result of drought conditions or the operation of a Federal Reclamation project during drought conditions. The Secretary may store and convey project and nonproject water for fish and wildlife purposes, and may provide conveyance of any such water for both State and Federal wildlife habitat and for habitat held in

private ownership. The Secretary may make available water for these purposes outside the authorized project service area. Use of the Federal storage and conveyance facilities for these purposes shall be on a nonreimbursable basis. Water made available by the Secretary in 1991 from the Central Valley Project, California, to the Grasslands Water District for the purpose of fish and wildlife shall be nonreimbursable.

**(e) Nonproject water**

The Secretary is authorized to store and convey nonproject water utilizing Federal Reclamation project facilities for use outside and inside the authorized project service area for municipal and industrial uses, fish and wildlife, and agricultural uses. Except in the case of water supplied for fish and wildlife, which shall be nonreimbursable, the Secretary shall charge the recipients of such water for such use of Federal Reclamation project facilities at a rate established pursuant to subsection (c) of this section.

**(f) Reclamation Fund**

The payment of capital costs attributable to the sale of project or nonproject water or the use of Federal Reclamation project facilities shall be covered into the Reclamation Fund and be placed to the credit of the project from which such water or use of such facilities is supplied.

(Pub. L. 102-250, title I, §102, Mar. 5, 1992, 106 Stat. 54.)

REFERENCES IN TEXT

The Reclamation Reform Act of 1982, referred to in subsec. (b)(4), is title II of Pub. L. 97-293, Oct. 12, 1982, 96 Stat. 1263, which enacted subchapter I-A (§390aa et seq.) of chapter 12 of this title, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians. For complete classification of this Act to the Code, see Tables.

TERMINATION OF AUTHORITIES

For provisions directing that authorities established under this subchapter shall terminate ten years after Mar. 5, 1992, see section 2214(c) of this title.

**§ 2213. Loans**

The Secretary of the Interior is authorized to make loans to water users for the purposes of undertaking construction, management, conservation activities, or the acquisition and transportation of water consistent with State law, that can be expected to have an effect in mitigating losses and damages, including those suffered by fish and wildlife, resulting from drought conditions. Such loans shall be made available under such terms and conditions as the Secretary deems appropriate: *Provided*, That the Secretary shall not approve any loan unless the applicant can demonstrate an ability to repay such loan within the term of the loan: *Provided further*, That for all loans approved by the Secretary under the authority of this section, the interest rate shall be the rate determined by the Secretary of the Treasury based on average market yields on outstanding marketable obligations of the United States with periods to maturity comparable to the repayment period of the loan. The repayment period for loans issued under this section shall not exceed fifteen years. The repayment period for such

loans shall begin when the loan is executed. Sections 390cc(a) and 390tt of this title and sections 105 and 106 of Public Law 99-546 shall not apply to any contract to repay such loan. The Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives in writing of any loan which the Secretary intends to approve not less than thirty days prior to granting final approval.

(Pub. L. 102-250, title I, §103, Mar. 5, 1992, 106 Stat. 55; Pub. L. 103-437, §16(a)(6), Nov. 2, 1994, 108 Stat. 4594.)

REFERENCES IN TEXT

Sections 105 and 106 of Public Law 99-546, referred to in text, are sections 105 and 106 of Pub. L. 99-546, title I, Oct. 27, 1986, 100 Stat. 3051, 3052, relating to the automatic adjustment of rates for contracts for delivery of water from the Central Valley project in California, and provisions of such contracts requiring repayment by project water contractors of any deficits in payments of operation and maintenance costs, respectively, and are not classified to the Code.

AMENDMENTS

1994—Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “of the House”.

TERMINATION OF AUTHORITIES

For provisions directing that authorities established under this subchapter shall terminate ten years after Mar. 5, 1992, see section 2214(c) of this title.

**§ 2214. Applicable period of drought program**

**(a) In general**

The programs and authorities established under this subchapter shall become operative in any Reclamation State and in the State of Hawaii only after the Governor or Governors of the affected State or States, or on a reservation, when the governing body of the affected tribe has made a request for temporary drought assistance and the Secretary has determined that such temporary assistance is merited, or upon the approval of a drought contingency plan as provided in subchapter II of this chapter.

**(b) Coordination with BPA**

If a Governor referred to in subsection (a) of this section is the Governor of the State of Washington, Oregon, Idaho, or Montana, the Governor shall coordinate with the Administrator of the Bonneville Power Administration before making a request under subsection (a) of this section.

**(c) Termination of authority**

The authorities established under this subchapter shall terminate on September 30, 2012.

(Pub. L. 102-250, title I, §104, Mar. 5, 1992, 106 Stat. 56; Pub. L. 106-566, title II, §201(a), Dec. 23, 2000, 114 Stat. 2820; Pub. L. 109-234, title II, §2306(a), June 15, 2006, 120 Stat. 456; Pub. L. 111-212, title I, §404(a), July 29, 2010, 124 Stat. 2313.)

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-212 substituted “September 30, 2012” for “September 30, 2010”.

2006—Subsec. (c). Pub. L. 109-234 substituted “September 30, 2010” for “September 30, 2005”.

2000—Subsec. (a). Pub. L. 106-566, §201(a)(1), inserted “and in the State of Hawaii” after “Reclamation State”.

Subsec. (c). Pub. L. 106-566, §201(a)(2), substituted “on September 30, 2005” for “ten years after March 5, 1992”.

### **§ 2215. Assistance for drought-related planning in reclamation States**

#### **(a) In general**

The Secretary may provide financial assistance in the form of cooperative agreements in States that are eligible to receive drought assistance under this subchapter to promote the development of drought contingency plans under subchapter II of this chapter.

#### **(b) Report**

Not later than one year after December 23, 2000, the Secretary shall submit to the Congress a report and recommendations on the advisability of providing financial assistance for the development of drought contingency plans in all entities that are eligible to receive assistance under subchapter II of this chapter.

(Pub. L. 102-250, title I, §105, as added Pub. L. 106-566, title II, §201(b), Dec. 23, 2000, 114 Stat. 2820.)

### **SUBCHAPTER II—DROUGHT CONTINGENCY PLANNING**

### **§ 2221. Identification of opportunities for water supply conservation, augmentation and use**

The Secretary is authorized to conduct studies to identify opportunities to conserve, augment, and make more efficient use of water supplies available to Federal Reclamation projects and Indian water resource developments in order to be prepared for and better respond to drought conditions. The Secretary is authorized to provide technical assistance to States and to local and tribal government entities to assist in the development, construction, and operation of water desalinization projects, including technical assistance for purposes of assessing the technical and economic feasibility of such projects.

(Pub. L. 102-250, title II, §201, Mar. 5, 1992, 106 Stat. 56.)

### **§ 2222. Drought contingency plans**

The Secretary, acting pursuant to the Federal Reclamation laws, utilizing the resources of the Department of the Interior, and in consultation with other appropriate Federal and State officials, Indian tribes, public, private, and local entities, is authorized to prepare or participate in the preparation of cooperative drought contingency plans (hereinafter in this subchapter referred to as “contingency plans”) for the prevention or mitigation of adverse effects of drought conditions.

(Pub. L. 102-250, title II, §202, Mar. 5, 1992, 106 Stat. 56.)

### **§ 2223. Plan elements**

#### **(a) Plan provisions**

Elements of the contingency plans prepared pursuant to section 2222 of this title may in-

clude, but are not limited to, any or all of the following:

- (1) Water banks.
- (2) Appropriate water conservation actions.
- (3) Water transfers to serve users inside or outside authorized Federal Reclamation project service areas in order to mitigate the effects of drought.
- (4) Use of Federal Reclamation project facilities to store and convey nonproject water for agricultural, municipal and industrial, fish and wildlife, or other uses both inside and outside an authorized Federal Reclamation project service area.
- (5) Use of water from dead or inactive reservoir storage or increased use of ground water resources for temporary water supplies.
- (6) Water supplies for fish and wildlife resources.
- (7) Minor structural actions.

#### **(b) Federal Reclamation projects**

Each contingency plan shall identify the following two types of plan elements related to Federal Reclamation projects:

- (1) Those plan elements which pertain exclusively to the responsibilities and obligations of the Secretary pursuant to Federal Reclamation law and the responsibilities and obligations of the Secretary for a specific Federal Reclamation project.
- (2) Those plan elements that pertain to projects, purposes, or activities not constructed, financed, or otherwise governed by the Federal Reclamation law.

#### **(c) Drought levels**

The Secretary is authorized to work with other Federal and State agencies to improve hydrologic data collection systems and water supply forecasting techniques to provide more accurate and timely warning of potential drought conditions and drought levels that would trigger the implementation of contingency plans.

#### **(d) Compliance with law**

The contingency plans and plan elements shall comply with all requirements of applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321), section 2265(a) of title 33, and the Fish and Wildlife Coordination Act [16 U.S.C. 661 et seq.], and shall be in accordance with applicable State law.

#### **(e) Review**

The contingency plans shall include provisions for periodic review to assure the adequacy of the contingency plan to respond to current conditions, and such plans may be modified accordingly.

(Pub. L. 102-250, title II, §203, Mar. 5, 1992, 106 Stat. 57.)

#### **REFERENCES IN TEXT**

The National Environmental Policy Act of 1969, referred to in subsec. (d), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Fish and Wildlife Coordination Act, referred to in subsec. (d), is act Mar. 10, 1934, ch. 55, 48 Stat. 401, as

amended, which is classified generally to sections 661 to 666c of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 661 of Title 16 and Tables.

#### § 2224. Recommendations

##### (a) Approval

The Secretary shall submit each plan prepared pursuant to section 2222 of this title to the Congress, together with the Secretary's recommendations, including recommendations for authorizing legislation, if needed.

##### (b) Pacific Northwest region

A contingency plan under subsection (a) of this section for the State of Washington, Oregon, Idaho, or Montana, may be approved by the Secretary only at the request of the Governor of the affected State in coordination with the other States in the region and the Administrator of the Bonneville Power Administration.

(Pub. L. 102-250, title II, §204, Mar. 5, 1992, 106 Stat. 57.)

#### § 2225. Reclamation Drought Response Fund

The Secretary shall undertake a study of the need, if any, to establish a Reclamation Drought Response Fund to be available for defraying those expenses which the Secretary determines necessary to implement plans prepared under section 2222 of this title and to make loans for nonstructural and minor structural activities for the prevention or mitigation of the adverse effects of drought.

(Pub. L. 102-250, title II, §205, Mar. 5, 1992, 106 Stat. 58.)

#### § 2226. Technical assistance and transfer of precipitation management technology

##### (a) Technical assistance

The Secretary is authorized to provide technical assistance for drought contingency planning in any of the States not identified in section 391 of this title, and the District of Columbia, Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship, the Republic of Palau, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

##### (b) Technology Transfer Program

The Secretary is authorized to conduct a Precipitation Management Technology Transfer Program to help alleviate problems caused by precipitation variability and droughts in the West, as part of a balanced long-term water resources development and management program. In consultation with State, tribal, and local water, hydropower, water quality and instream flow interests, areas shall be selected for conducting field studies cost-shared on a 50-50 basis to validate and quantify the potential for appropriate precipitation management technology to augment stream flows. Validated technologies shall be transferred to non-Federal interests for operational implementation.

(Pub. L. 102-250, title II, §206, Mar. 5, 1992, 106 Stat. 58.)

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### SUBCHAPTER III—GENERAL AND MISCELLANEOUS PROVISIONS

#### § 2241. Authorization of appropriations

Except as otherwise provided in section 2243 of this title (relating to temperature control devices at Shasta Dam, California), there is authorized to be appropriated not more than \$90,000,000 in total for the period of fiscal years 2006 through 2012.

(Pub. L. 102-250, title III, §301, Mar. 5, 1992, 106 Stat. 58; Pub. L. 104-206, title II, Sept. 30, 1996, 110 Stat. 2992; Pub. L. 106-60, title II, Sept. 29, 1999, 113 Stat. 488; Pub. L. 106-377, §1(a)(2) [title II], Oct. 27, 2000, 114 Stat. 1441, 1441A-67; Pub. L. 107-66, title II, Nov. 12, 2001, 115 Stat. 498; Pub. L. 108-7, div. D, title II, Feb. 20, 2003, 117 Stat. 144; Pub. L. 108-137, title II, Dec. 1, 2003, 117 Stat. 1847; Pub. L. 109-234, title II, §2306(b), June 15, 2006, 120 Stat. 457; Pub. L. 111-212, title I, §404(b), July 29, 2010, 124 Stat. 2314.)

#### AMENDMENTS

2010—Pub. L. 111-212 substituted “through 2012” for “through 2010”.

2006—Pub. L. 109-234 substituted “the period of fiscal years 2006 through 2010” for “fiscal years 1992, 1993, 1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003, and 2004”.

2003—Pub. L. 108-137 substituted “2003, and 2004” for “and 2003”.

Pub. L. 108-7 substituted “2002, and 2003” for “and 2002”.

2001—Pub. L. 107-66 substituted “2001, and 2002” for “and 2001”.

2000—Pub. L. 106-377 substituted “2000, and 2001” for “and 2000”.

1999—Pub. L. 106-60 substituted “1999, and 2000” for “and 1997”.

1996—Pub. L. 104-206 substituted “1996, and 1997” for “and 1996”.

#### § 2242. Authority of Secretary

The Secretary is authorized to perform any and all acts and to promulgate such regulations as may be necessary and appropriate for the purpose of implementing this chapter. In carrying out the authorities under this chapter, the Secretary shall give specific consideration to the needs of fish and wildlife, together with other project purposes, and shall consider temporary operational changes which will mitigate, or can be expected to have an effect in mitigating, fish and wildlife losses and damages resulting from drought conditions, consistent with the Secretary's other obligations.

(Pub. L. 102-250, title III, §302, Mar. 5, 1992, 106 Stat. 58.)

#### § 2243. Temperature control at Shasta Dam, Central Valley Project

The Secretary is authorized to complete the design and specifications for construction of a device to control the temperature of water releases from Shasta Dam, Central Valley Project, California, and to construct facilities needed to

attach such device to the dam. There is authorized to be appropriated to carry out the authority of this section not more than \$12,000,000.

(Pub. L. 102-250, title III, §303, Mar. 5, 1992, 106 Stat. 58.)

#### § 2244. Effect of chapter on other laws

##### (a) Conformity with State and Federal law

All actions taken pursuant to this chapter pertaining to the diversion, storage, use, or transfer of water shall be in conformity with applicable State and applicable Federal law.

##### (b) Effect on jurisdiction, authority, and water rights

Nothing in this chapter shall be construed as expanding or diminishing State, Federal, or tribal jurisdiction or authority over water resources development, control, or water rights.

(Pub. L. 102-250, title III, §304, Mar. 5, 1992, 106 Stat. 59.)

#### § 2245. Excess storage and carrying capacity

The Secretary is authorized to enter into contracts with municipalities, public water districts and agencies, other Federal agencies, State agencies, and private entities, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for the impounding, storage, and carriage of non-project water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using any facilities associated with the Central Valley Project, Cachuma Project, and the Ventura River Project, California, the Truckee Storage Project, and the Washoe Project, California and Nevada. The Secretary is further authorized to enter into contracts for the exchange of water for the aforementioned purposes using facilities associated with the Cachuma Project, California.

(Pub. L. 102-250, title III, §305, Mar. 5, 1992, 106 Stat. 59.)

#### REFERENCES IN TEXT

Act of February 21, 1911, referred to in text, is act Feb. 21, 1911, ch. 141, 36 Stat. 925, popularly known as the Warren Act, which enacted sections 523 to 525 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 523 of this title and Tables.

#### § 2246. Report

There shall be included as part of the President's annual budget submittal to the Congress a detailed report on past and proposed expenditures and accomplishments under this chapter.

(Pub. L. 102-250, title III, §306, Mar. 5, 1992, 106 Stat. 59.)

#### § 2247. Federal Reclamation laws

This chapter shall constitute a supplement to the Federal Reclamation laws.

(Pub. L. 102-250, title III, §307, Mar. 5, 1992, 106 Stat. 59.)

### CHAPTER 41—FEDERAL LAND TRANSACTION FACILITATION

Sec.  
2301. Findings.

Sec.  
2302. Definitions.  
2303. Identification of inholdings.  
2304. Disposal of public land.  
2305. Federal Land Disposal Account.  
2306. Special provisions.

#### § 2301. Findings

Congress finds that—

(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;

(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;

(3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;

(4) the Federal land management agencies of the Departments of the Interior and Agriculture have authority under existing law to acquire land consistent with the mission of each agency;

(5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within Federal land management units; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;

(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;

(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;

(8) such land lies within national parks, national monuments, national wildlife refuges, national forests, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management ability of the Federal land management agencies and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—